IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION.

NOTICE OF MOTION NO. 1085 OF 2004

IN

PETITION NO. 491 OF 2003

Mr. Lalit Timothy D'Souza ... Petitioner.

Vs.

M.s Laura D'Souza ... Respondent.

Mr. Bhandary for the Plaintiff-Petitioner.

Mr. H.M.Thakore for the Respondent-Defendant.

CORAM : S.K.Shah, J.
DATE : September 16, 2004.

P.C.:-

1. The learned Counsel for the Respondent - Caveator submits that he may be granted liberty to withdraw this notice of motion stating that this notice of motion is not maintainable in this testamentary petition. He seeks liberty to file notice of motion in the Administration Suit No. 2889 of 2003 for the same reliefs.

2. The notice of motion is allowed to be withdrawn as it is not maintainable. So far as the liberty which

the learned Counsel for the Respondent is seeking, in that event, the notice of motion being not maintainable here and not decided on merits, he can take steps in law to file whatever notice of motion he wants to file in the Administration Suit.

3. Main petition to proceed.

4. Parties to act on ordinary copy of this Order, duly authenticated by the Associate of this Court.

.....

[S.K.Shah, J.]

High Court, Bombay.

October 29, 2004.

To,

The Honourable Registrar General,

High Court Bombay.

Respected Sir,

His Lordship Shri Justice S.K. Shah has directed me to convey that His Lordship will not be available today i.e. 29.10.2004, for judicial work. Today's absence of His Lordship may kindly be treated as Casual Absence.

Yours faithfully,

[D.V.Godbole.]

PA to S.K.Shah, J.

Copy forwarded for information to :-

1. The Prothonotary & Senior Master, High Court, O.S. Bombay.

2. The Principal Secretary to the Honourable the Chief Justice, High Court, Bombay.

3. The Officer on Special Duty, Special Court, Bombay.